

NO. 4:10-CR-62-FL-1
NO. 4:14-CV-10-FL

Respondent.

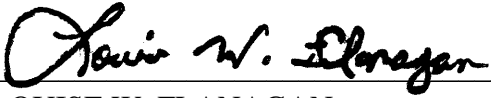
$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

ORDER

Petitioner filed a motion to vacate under 28 U.S.C. § 2255 on January 15, 2014 (DE 58). The filing did not substantially follow the form appended to the Rules governing § 2255 Proceedings and on January 15, 2014, petitioner was directed to complete the correct form and return within fourteen days. Petitioner failed to comply with the court's January 15, 2014, order and on February 10, 2014, the court entered an order to show cause why the action should not be dismissed for failure to prosecute. On March 3, 2014, the court received a letter from petitioner stating that he no longer wished to pursue his motion to vacate under 28 U.S.C. § 2255. The letter has been docketed as a motion to voluntarily dismiss (DE 61).

In this case, the adverse party has not yet filed an answer or a motion for summary judgment; therefore, dismissal is proper. Accordingly, petitioner's motion for voluntary dismissal is GRANTED, and this action and the § 2255 motion is DISMISSED.

SO ORDERED, this the 3rd day of March, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge